

v AO 440 (Rev. 10/93) Summons in a Civil Action

# United States District Court

DISTRICT OF DELAWARE

## SUMMONS IN A CIVIL ACTION

MERCK & CO., INC.

Plaintiff,

v.

APOTEX, INC.

Defendant.

CASE NUMBER: 06 - 230

TO: APOTEX, INC.

c/o Apotex Corporation (attn: Tammy McIntire; 2400 N. Commerce Pkwy.; Ste 400, Weston, FL 33326)  
c/o The Corporation Trust Company  
1209 Orange Street  
Wilmington, DE 19801

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY:

Mary B. Graham  
Morris, Nichols, Arsht & Tunnell LLP  
1201 North Market Street; P.O. Box 1347  
Wilmington, DE 19899-1347  
302-658-9200


an answer to the Complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

DATE

4/7/06



BY DEPUTY CLERK

AO 440 (REV. 10/93) Summons In a Civil Action

**RETURN OF SERVICE**Service of the Summons and complaint was made by me<sup>1</sup>DATE  
10 April 2006

NAME OF SERVER (PRINT)

Aaron T. Johnston

TITLE

Messenger

*Check one box below to indicate appropriate method of service*☐ Served personally upon the defendant. Place where served: \_\_\_\_\_☐ Left copies thereof at the defendant's dwelling house or usual place of abode with person of suitable age and direction then residing therein.

Name of person with whom the summons and complaint were left: \_\_\_\_\_

☐ Returned unexecuted: \_\_\_\_\_

☒ Other (specify): Service of the Summons and Complaint was made upon defendant Apotex, Inc. by delivering copies thereof to defendant's registered agent, Apotex Corp., c/o The Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801 (received 04/10/2006 by Scott LaScala at 10:10 AM).

**STATEMENT OF SERVICE FEES**

TRAVEL

SERVICES

TOTAL

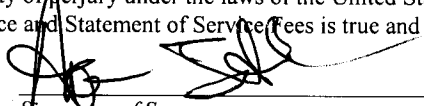
**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

4.10.06

Date

  
Signature of Server

Morris, Nichols, Arsht & Tunnell LLP  
1201 N. Market Street, Wilmington, DE 19801  
Address of Server

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure